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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,310	12/08/2003	Selim Shlomo Rakib	034704-000062	3617
7590 Robert E Krebs Thelen Reid & Priest LLP P O Box 640640 San Jose, CA 95164-0640			EXAMINER PARRA, OMAR S	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,310

Applicant(s)

RAKIB ET AL.

Examiner

Omar Parra

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 36-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **36-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Gerszberg et al. (hereinafter 'Gerszberg', Pub. No. 2006/0159116).

Regarding claim **36**, Gerszberg teaches a gateway apparatus (**Integrated Residential Gateway or Intelligent Services Director, IRG or ISD, Figs. 1A-1E, Fig. 5**) comprising:

a host computer (**controller 100, Fig. 2**) having a host bus (**Bus 111, fig. 2 or [0050]**);

one or more local area network interfaces or bus interfaces coupling said host computer to one or more local area networks or buses than carry data between said gateway and one or more devices located at a customer premises (**[0043], [0050]**);

external network interface circuits (**IRG or ISD are connected to different external networks Figs. 1A-1C, 1E, Fig. 5, and consequently, they have interfaces and/or connectors to be connected to them or [0037]**) coupled to said host bus for

Q- 12/26/07

interfacing said host computer to one or more networks external to said customer premises including at least a DOCSIS compatible cable modem for bidirectional digital data communication over a hybrid fiber coaxial cable network, and one or more video network interface circuits functioning to receive analog and/or digital video signals delivered over a hybrid fiber coaxial cable network or via satellite or terrestrial and deliver digital video data compressed using MPEG compression ([0050], [0053], [0063], [0075]-[0077]); and

wherein said host computer is programmed to implement an IP packetization process to receive said compressed digital video data from said one or more video external network interface circuits and packetize said compressed digital video data into IP packets addressed to the device and/or process which requested said digital video data and which is coupled to said gateway by one or more of said local area networks or busses, and said host computer being further programmed with a routing process to receive said IP packets from said IP packetization process and to receive IP packets from said DOCSIS compatible cable modem and automatically to all routing, encapsulation and protocol conversion necessary to deliver said IP packets to a device and/or process in execution on a device coupled to said gateway apparatus via one of said local area network interfaces or bus interfaces and identified by address information in said packets, and to receive data from a device and/or process in execution on a device coupled to said gateway apparatus via one of said local area network interfaces or bus interfaces and do any and all deencapsulation, encapsulation, protocol conversion and routing necessary for each packet to be automatically delivered

to an appropriate one or more of said external network interfaces coupled to a device and/or process to which each packet is addressed for upstream delivery via an appropriate medium of transmission to whatever device and/or process to which said data is addressed, and said host computer programmed with a management and control process for receiving requests for data from a device and/or process coupled to one or more of said local area network interfaces or said bus interfaces, and sending digital control data to one or more of said external network interface circuits to control them to obtain said requested data from a source coupled to said gateway via one or more of said external network interfaces ([0009],[0053]-[0055]; [0074]-[0078], [0085], [0100]-[0104], [0106]-[0108]. In addition, the processor can be configured to perform FMP/C-FMP functions, [0076]-[0078].)

Regarding claims 37 and 39, Gerszberg teaches a gateway apparatus (Integrated Residential Gateway or Intelligent Services Director, IRG or ISD, Figs. 1A-1E, Fig. 5) comprising:

a host computer (controller 100, Fig. 2) having a host bus and controlled by at least a management and control process (Bus 111, fig. 2 or [0050]);

one or more network interface means for coupling said host computer to one or more local area networks and/or one or more buses that carry upstream and downstream data between said gateway and one or more devices located at a customer premises ([0043], [0050], [0076]);;

external network receiver interface means coupled to said host bus for interfacing said host computer to one or more networks external to said customer premises (**IRG or ISD are connected to different external networks Figs. 1A-1C, 1E, Fig. 5, and consequently, they have interfaces and/or connectors to be connected to them or [0037]**), said external network interface means comprising a DOCSIS cable modem means for receiving downstream broadband data in the form of IP packets encapsulated in MPEG packets and outputting IP packets, and for receiving upstream data from one or more devices coupled to one or more of said network interfaces and transmitting said data on a DOCSIS upstream on an external network comprised of a hybrid fiber coaxial cable system, and said external network interface means further comprising one or more video network interface means functioning for receiving analog and/or digital video signals delivered over a hybrid fiber coaxial cable network or via satellite or via terrestrial and for delivering from said received video signals digital video data compressed using MPEG compression (**[0053], [0076]-[0078], [0082], [0085], [0100]-[0102]**);

an IP packetization means which may be part of said host computer and which is coupled to said host bus, for packetizing compressed digital data received from said said one or more video network interface means into internet protocol packets (hereafter IP packets) (**processor 102, Fig. 2, [0076]-[0078]**);

a routing means which may be part of said host computer and coupled to said host bus and having one or more outputs coupled to said one or more network interface means and coupled to receive said IP packets from said IP packetization means and

coupled to receive IP packets from said DOCSIS cable modem for routing said IP packets and delivering each said IP packets to the appropriate network interface means for delivery to the device which ordered data in said IP packet, and for receiving upstream data from devices and/or processes coupled to said one or more local area networks or busses and routing said data to the appropriate external network interface means for upstream transmission (**IP bridge/router 106, Fig. 106, [0050], [0055], [0076]-[0078], [0100]-[0102]**).

Regarding claim 38, Gerszberg teaches a gateway apparatus (**Integrated Residential Gateway or Intelligent Services Director, IRG or ISD, Figs. 1A-1E, Fig. 5**) comprising:

a host bus (**Bus 111, fig. 2 or [0050]**);

a plurality of expansion connectors electrically coupled to said host bus (**IRG or ISD are connected to different external networks Figs. 1A-1C, 1E, Fig. 5, and consequently, they have interfaces and/or connectors to be connected to them or [0037]**);

one or more expansion modules coupled to said host bus through one or more of said expansion connectors, each expansion module including the appropriate circuitry to bidirectionally interface with an external network medium comprised of either a hybrid fiber coaxial cable of a CATV system, a digital subscriber line local loop, an analog plain old telephone service line or a satellite dish (**[0009], [0037], [0050]**);

one or more network interface adapters for coupling said gateway to one or more local area networks or busses which convey digital data to one or more items of customer premises equipment; transmitted from said one or more items of customer premises equipment to said gateway via one or more of said local area networks or buses for data or video or audio programs and to react thereto by appropriately controlling said one or more expansion modules to retrieve the requested data or video or audio program, and programmed to perform an IP packetization process to receive downstream digital data from one or more of said expansion modules which is not already in IP packet form and data from said management and control process and encapsulate said data into internet protocol packets addressed to the customer premises equipment and one or more processes running on customer premises equipment which requested said data, and said host computer further programmed to perform a routing process to do all packetization, protocol conversion and routing functions necessary to route packets between any of said expansion modules and any of said one or more local area networks and/or busses ([0009],[0053]-[0055]; [0074]-[0078], [0085], [0100]-[0104], [0106]-[0108]. In addition, the processor can be configured to perform FMP/C-FMP functions, [0076]-[0078]).

Regarding claim 40, Gerszberg teaches an apparatus (**Integrated Residential Gateway or Intelligent Services Director, IRG or ISD, Figs. 1A-1E, Fig. 5**):

a DOCSIS compatible cable modem for recovering digital data encoded in a DOCSIS downstream signal transmitted on a cable television system hybrid fiber coax

medium (hereafter HFC) and for providing said recovered data at an output for use by a computer or other digital device coupled to said cable modem, and for transmitting upstream data from said computer or other digital device on a DOCSIS upstream transmitted on said HFC ([0009], [0053], [0070]-[0078], [0085], [0100]-[0102]);

a tuner for tuning in a radio frequency carrier signal carrying a video signal (ISD/IRG can function as a set-top box, [0092], [0095], [0106]-[0108] or as shown by 22-1, Fig. 1b or 19-1, Fig. 1E, where a tuner is one of the basic components of a set-top box, as it is well known in the art):

first means coupled to said tuner for recovering digital data encoding a video program in said video signal, said digital data being compressed for transmission over a data path (408, Fig. 19);

an adapter circuit comprising:

an decoder for decompressing said compressed digital data to generate uncompressed data encoding audio and video signals of said video program (408, Fig. 19);

an audio processor for converting said uncompressed digital data encoding said audiosignal into an analog audio signal (120, Fig. 2) ;

video signal generation means for converting said uncompressed digital data encoding a video signal into an NTSC, PAL, SECAM or composite format video signal ([0092]-[0095]);

means for conveying said audio and video signals to an input or inputs of a television set in a proper format for viewing and listening to said video program **(112, Fig. 2, [0050]);**

first control means for controlling said cable modem, said tuner and said first means **(100, Fig. 2);**

second control means for controlling said adapter **(402, Fig. 19);** and
a data path coupling said first means to said adapter **(IEEE 1394, Fig. 19).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/731,310
Art Unit: 2623

Page 10

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